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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/06/2002

BRACEWELL & PROPERTY LAW
P.O. BOX 969
AUSTIN, TX 78767

EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/404,398

Applicant(s)

BERSTIS, VIKTORS

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 Jul 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7, 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 have been examined.

Response to Amendment

2. The Amendment filed on July 9, 2002 under 37 CFR 1.111 is sufficient to overcome the Ogasawara reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (6,123,259) in view of Jelen (6,129,276).

Claim 1: Ogasawara discloses a method and means for providing a location of products to a customer in a retail environment comprising:

- a. attaching a product locator to a shopping aid utilized within a retail environment (Column 4, Lines 40-44), a product locator having an access point for entering a customer ID (Column 10, 25-41), a signaling mechanism for alerting a customer to a location of a desired product and program for identifying a desired product (Fig. 1; Column 6, Lines 37-59);
- b. linking a customer ID to a user specified product (Column 10, Lines 25-41);

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c. determining the location of a desired product (Column 6, Lines 37-59);

d. signaling to a customer the location of a desired product (Fig 1.; Column 6, Lines 37-59). Ogasawara further discloses alerting a customer with respect to the location of a desired product (Column 9, Lines 8-15). Ogasawara further discloses a storage location for electronically storing a list of customer desired products (col 2, lines 35-40). Ogasawara does not explicitly disclose that the locator or signaling mechanism utilizes infrared. However, Jelen discloses a shopping cart mounted portable data collection device with tethered dataform reader. Jelen further discloses that the communication scheme utilizes infrared (col 4, lines 22-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Jelen's utilization of infrared to Ogasawara's electronic shopping system. One would have been motivated to do this because Ogasawara already discloses a communication medium and Jelen's infrared communication medium is an obvious option.

Claim 2: Ogasawara and Jelen disclose a method and system as in claim 1 above.

Ogasawara further discloses discloses a base unit and portable unit (Fig. 1) comprising:

a. receiving product signals being projected within a retail environment using signal sensor (Column 5, Lines 19-24);

b. transmitting product signals back to a base unit, wherein said base unit completes the comparison and signaling back to said portable unit when said comparing step results in a match, wherein said customer is alerted (Column 5, Lines 26-29).

Claim 3: Ogasawara and Jelen disclose a method and system as in claim 2. Ogasawara does not explicitly disclose storing coupon information or providing information at checkout. However, Jelen further discloses enabling storage of electronic coupons along with said desired

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products within the locator unit (col 2, lines 30-35 and col 15, lines 10-17), and providing remote electronic redemption coupons associated with said desired products during checkout at a checkout register by beaming information (col 11, line 59-col 12, line 6 and col 15, lines 10-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Jelen's utilization of the locator unit and checkout method to Ogasawara's electronic shopping system. One would have been motivated to do this so that Ogasawara's customer's can benefit from the convenience that Jelen discloses.

Claim 4: Ogasawara and Jelen disclose a method as in Claim 1. Ogasawara further discloses the installation of a signaling mechanism for projecting digitized product information within particular areas of a retail environment (Fig 1.; Column 6, Lines 37-59).

Claim 6: Ogasawara and Jelen disclose a method and system as in Claim 1. Ogasawara further discloses printing a report of including a list of desired products and their location (Fig. 7; Column 8, Lines 1-27).

Claim 7: Ogasawara and Jelen disclose a method and system as in claim 2. Ogasawara further discloses linking a tag to a customer ID following entry of said customer ID in said product locator unit (Column 10, Lines 25-41) and remotely allowing the application of product promotions to be generated at the cash register (Column 15, Lines 51-67; Column 16, Lines 1-11).

Claims 8 and 15: Claims 8 and 15 are rejected based on the same analysis given for the rejection of Claim 1.

Claim 9: Claim 9 is rejected based on the same analysis given for the rejection of Claim 2.

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Claim 10: Claim 10 is rejected based on the same analysis given for the rejection of Claim 3.

Claim 11: Ogasawara and Jelen disclose a method as in Claim 1. Ogasawara further discloses the installation of a signaling mechanism for projecting digitized product information within particular areas of a retail environment (Fig 1.; Column 6, Lines 37-59). Ogasawara does not explicitly disclose that the locator or signaling mechanism utilizes infrared. However, Jelen discloses a shopping cart mounted portable data collection device with tethered dataform reader. Jelen further discloses that the communication scheme utilizes infrared (col 4, lines 22-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Jelen's utilization of infrared to Ogasawara's electronic shopping system. One would have been motivated to do this because Ogasawara already discloses a communication medium and Jelen's infrared communication medium is an obvious option.

Claims 12 and 19: Ogasawara and Jelen disclose a method and system as in Claim 8 and 15. Ogasawara does not explicitly disclose the locator unit visually displaying a location of a product on a display screen. However, Jelen discloses the locator unit visually displaying a location of a product on a display screen (Fig. 2 and col 6, lines 38-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Jelen's display unit to Ogasawara's electronic shopping system. One would have been motivated to do this so that Ogasawara's customers benefit from the convenience that Jelen discloses.

Claim 13 and 20: Claims 13 and 20 are rejected based on the same analysis given for the rejection of Claim 6.

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Claim 14: Claim 14 is rejected based on the same analysis given for the rejection of Claim 7.

Claim 16: Ogasawara and Jelen disclose a method and system as in claim 15 above. Ogasawara further discloses discloses a base unit and portable unit (Fig. 1) comprising:

- a. receiving product signals being projected within a retail environment using signal sensor (Column 5, Lines 19-24);
- b. encoding and transmitting product signals back to a base unit, wherein said base unit completes the comparison and signaling back to said portable unit when said comparing step results in a match, wherein said customer is alerted (Column 5, Lines 26-29).

Claim 17: Ogasawara and Jelen disclose a method and system as in claim 15 above. Ogasawara further discloses receiving product signals being projected within a retail environment using signal sensor (Column 5, Lines 19-24), linking a customer ID to a user specified product (Column 10, Lines 25-41), comparing and determining the location of a desired product (Column 6, Lines 37-59), and signaling to a customer the location of a desired product (Fig 1.; Column 6, Lines 37-59).

Claim 18: Ogasawara and Jelen disclose a method and system as in claim 15 above. Ogasawara further discloses program instructions for receiving a download of coupon data along with product IDs from a database upon entry of said customer ID (col 15, line 62-col 16-line 6; col 10, lines 33-41; and col 6, line 64-col 7, line5).

Claim 22 and 23: Ogasawara and Jelen disclose a method and system as in claims 1 and 7. Ogasawara further discloses receiving a download of coupon data along with product IDs

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from a database upon entry of said customer ID (col 15, line 62-col 16-line 6; col 10, lines 33-41; and col 6, line 64-col 7, line5).

Claim 24: Ogasawara discloses a product locator unit comprising:

- a. attaching a product locator to a shopping aid utilized within a retail environment (Column 4, Lines 40-44), a product locator having an access point for entering a customer ID (Column 10, 25-41), a signaling mechanism for alerting a customer to a location of a desired product and program for identifying a desired product (Fig. 1; Column 6, Lines 37-59);
 - b. linking a customer ID to a user specified product (Column 10, Lines 25-41);
 - c. determining the location of a desired product (Column 6, Lines 37-59);
 - d. signaling to a customer the location of a desired product (Fig 1.; Column 6, Lines 37-59).
- Ogasawara further discloses alerting a customer with respect to the location of a desired product (Column 9, Lines 8-15). Ogasawara further discloses a storage location for electronically storing a list of customer desired products (col 2, lines 35-40). Ogasawara does not explicitly disclose that the locator or signaling mechanism utilizes infrared. However, Jelen discloses a shopping cart mounted portable data collection device with tethered dataform reader. Jelen further discloses that the communication scheme utilizes infrared (col 4, lines 22-25). Jelen further discloses enabling storage of electronic coupons along with said desired products within the locator unit (col 2, lines 30-35 and col 15, lines 10-17), and providing remote electronic redemption coupons associated with said desired products during checkout at a checkout register by beaming information (col 11, line 59-col 12, line 6 and col 15, lines 10-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Jelen's utilization of infrared to Ogasawara's electronic shopping

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system. One would have been motivated to do this because Ogasawara already discloses a communication medium and Jelen's infrared communication medium is an obvious option.

Response to Arguments

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

Aug 27, 2002


James W. Myhr
Patent Examiner
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